

EXHIBIT W

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3 VOLUME II

4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:
6 PRICE LITIGATION : 01-CV-12257-PBS
7 :
8 THIS DOCUMENT RELATES TO :
9 U.S. ex rel. Ven-A-Care of :
10 the Florida Keys, Inc. v. :
11 Abbott Laboratories, Inc. :
12 No. 06-CV-11337-PBS :

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14 Continuation of the videotaped
15 deposition of ROBERT VITO was taken, pursuant
16 to notice, at MORGAN LEWIS & BOCKIUS, LLP,
17 1701 Market Street, Philadelphia,
18 Pennsylvania, on Wednesday, June 20, 2007,
19 beginning at 8:43 a.m., before M. Kathleen
20 Muino, Professional Shorthand Reporter, Notary
21 Public; Michael Hunterton, Certified Legal
22 Video Specialist, there being present:

Vito, Robert 6-20-2007

1 paper files from that 1997 report.

2 A. I said I -- I -- I was aware of it. I
3 don't know exactly when I became aware of it.

4 Q. Earlier I -- I believe you testified
5 that your best recollection is that you think you
6 learned about the qui tam case two or three years
7 ago?

8 A. I --

9 MR. NEAL: Objection as to form.

10 THE WITNESS: I -- I -- I think -- I
11 think that that was not -- if you go back and look,
12 I think I said that I believe I remember that an
13 investigator called me about it some time ago and I
14 didn't know the exact date of that.

15 BY MR. TORBORG:

16 Q. What about the information from
17 Ven-A-Care -- that Ven-A-Care provided was
18 confidential?

19 A. Well, I -- they gave us pricing
20 information from various sources and we -- before
21 any pricing information is given out, we have to
22 check to make sure that it's not treated as

1 proprietary information by the -- by the companies.

2 Q. And was -- was it just catalogs that
3 they provided you?

4 A. They gave us catalogs as well as
5 sometimes they had faxes in which they would call
6 the company and ask the company to provide them
7 with the most current price. They also had price
8 specials that were being advertised to them and
9 they would share that with us as well. There are
10 multiple different ways that we obtained the
11 pricing. We also had access to a couple of their,
12 such as Florida Infusion and other places.

13 Q. One last document for today and then
14 we'll -- we'll wrap up.

15 Exhibit Abbott 054 bears the Bates Nos.
16 HHD009-0150. It appears to be an article from
17 Eli's Home Care Week.

18 And, Mr. Vito, I believe this was a document
19 that, again, was contained in the working paper
20 files for that 1997 report.

21 A. Either that or my own files.

22 Q. Okay. Do you recall this document?